

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**THURSDAY, MARCH 19, 2009.**

[27] \*

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## JOURNAL OF THE HOUSE.

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Thursday, March 19, 2009.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority of Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Silent Prayers.*

During the session, at the request of Speaker DeLeo of Winthrop, the members, guests and employees stood in a moment of silent tribute for Daniel Aguiar of Fall River, who passed away on March 11. Mr. Aguiar is survived by his wife, Catherine, his daughter, Kimberly Furtado, and two sons, Daniel and Representative Kevin Aguiar.

Daniel Aguiar.

During the session, at the request of Mr. Smith of Everett, the members, guests and employees stood in a moment of silent tribute for Joseph Baldacchino, captain of the Everett High School superbowl football team in 2007, who passed away suddenly this past weekend. He is survived by his parents, Joseph and Kathleen and his sister, Erica.

Joseph Baldacchino.

During the session, at the request of Mr. Jones of North Reading, the members, guests and employees stood in a moment of silent tribute for Gabrielle King, 19, of Middleton, who passed away on Tuesday. Ms. King, a 2007 graduate of Masconomet Regional High School and a sophomore at Emanuel College, is survived by her mother, Renata Paratore, her father, Jay King and her brother, James King.

Gabrielle King.

During the session, at the request of the Speaker DeLeo of Winthrop and Mr. Basile of Boston, the members, guests and employees stood in a moment of silent tribute for Gene O'Shea, a retired employee of the Legislative Document Room for over 30 years. Mr. O'Shea is survived by his daughters, Jeanne McLaughlin and Laura O'Shea and his son, Jim O'Shea.

Gene O'Shea.

During the session, at the request of Ms. Benson of Lunenburg, the members, guests and employees stood in a moment of silent tribute for Jessie Peterson, 14, of Harvard, who passed away on Sunday, March 15. Ms. Peterson is survived by her parents, Betsy and Eric, and her brother, Beck.

Jessie Peterson.

### *Statement Concerning Representatives Quinn of Dartmouth, St. Fleur of Boston and Walsh of Boston.*

A statement of Mr. Vallee of Franklin concerning Representatives Quinn of

Dartmouth, St. Fleur of Boston and Walsh of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that three of our colleagues, Mr. Quinn of Dartmouth, Ms. St. Fleur of Boston and Mr. Walsh of Boston, are unable to be present in the House Chamber for today's sitting due to being on a fact-finding mission in Haiti to help fight illiteracy and promote infrastructure construction and repair on the Island in order to prevent storm-related deaths as had occurred last year. Any roll calls that they may miss today will be due entirely to the reason stated.

Statement  
concerning  
Representatives  
Quinn of  
Dartmouth, St. Fleur  
of Boston and  
Walsh of Boston.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Arciero of Westford, Golden of Lowell, Nangle of Lowell and Atkins of Concord) congratulating William F. "Bill" Dalton on his retirement from the Chelmsford Board of Selectmen;

William F. Dalton.

Resolutions (filed by Representatives Arciero of Westford, Golden of Lowell, Nangle of Lowell and Atkins of Concord) congratulating Philip M. Eliopoulos on his retirement from the Chelmsford Board of Selectmen;

Philip M.  
Eliopoulos.

Resolutions (filed by Miss Garry of Dracut) recognizing the Dracut High School "Middies" football team as the Massachusetts Interscholastic Athletic Association Division 1A Super Bowl champions;

Dracut High  
School, -football.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Josh Bressnan on receiving the Eagle Award of the Boy Scouts of America;

Josh Bressnan.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Daniel Paul Romero on receiving the Eagle Award of the Boy Scouts of America;

Daniel Paul  
Romero.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Jeremy Reynolds on receiving the Eagle Award of the Boy Scouts of America;

Jeremy Reynolds.

Resolutions (filed by Mr. Perry of Sandwich) congratulating the Nam Vets Association of the Cape and Islands, Inc., on its twenty-sixth anniversary; and

Nam Vets  
Association.

Resolutions (filed by Mr. Sannicandro of Ashland and other members of the House) congratulating the Massachusetts Veterinary Medical Association for one hundred and twenty-five years of commitment to animal health and public health in the Commonwealth;

Veterinary Medical  
Association.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the Rules, in each instance, on motion of Ms. Stanley of West Newbury, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Recess.*

At five minutes after eleven o'clock A.M., on motion of Ms. Stanley of West Newbury (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with the Speaker in the Chair.

Recess.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 142 members were recorded as being in attendance.

Quorum,--  
yea and nay  
No. 30.

**[See Yea and Nay No. 30 in Supplement.]**

Therefore a quorum was present.

Subsequently a statement of Mr. Moran of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being on official business in another part of the State House.

Statement of  
Representative  
Moran of Boston.

*Motion to Suspend Rule 24(2).*

Mr. Vallee of Franklin being in the Chair, --

Ms. Polito of Shrewsbury moved that Rule 24(2) be suspended so that she might offer from the floor, an Order relative to prohibiting the Clerk from placing any revenue enhancing bills on the House Calendar until certain cost-cutting measures are acted upon by the House.

Revenue enhancing  
bills, -prohibition.

After debate the motion to suspend Rule 24(2) was negatived; and the order was referred, under said rule, to the committee on Rules.

*Paper from the Senate.*

The engrossed Bill extending the Commonwealth's power to guarantee obligations of the Massachusetts Turnpike Authority (printed in House, No. 100) came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 16.

Turnpike Authority,  
-powers.

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Pending the question on concurring with the Senate in its amendment, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee of Franklin), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

Quorum,--  
yea and nay  
No. 31.

**[See Yea and Nay No. 31 in Supplement.]**

Therefore a quorum was present.

Subsequently a statement of Mr. Miceli of Wilmington was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being on official business in another part of the State House.

Statement of  
Representative  
Miceli of  
Wilmington.

Mr. Wagner of Chicopee then moved that the House concur with the Senate in its amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered

3797.

After debate on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 134 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 32 in Supplement.]**

Therefore the further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

House concurred in  
Senate amendment,  
-yea and nay No.  
32.

*Recess.*

At eighteen minutes before three o'clock P.M., the Chair (Mr. Vallee of Franklin) declared a recess subject to the call of the Chair; and at two minutes after four o'clock the House was called to order with Mr. Vallee in the Chair.

Recess.

*Emergency Measure.*

The engrossed extending the Commonwealth's authority to guarantee obligations of the Massachusetts Turnpike Authority (see House bill printed in House, No. 100, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Turnpike Authority,  
-powers.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 14 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House), was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 134 members voted in the affirmative and 19 in the negative.

Bill enacted  
(state loan), -  
yea and nay  
No. 33.

**[See Yea and Nay No. 33 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next sitting.

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At twenty-eight minutes after four o'clock P.M., on motion of Ms. Reinstein of Revere (Mr. Vallee of Franklin being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.